

Petition 142-09(6): Proposed Amendments Relating To Residential FAR

Summary

Item # 142-09(6) FAR AMENDMENT ADVERTISEMENT LANGUAGE: To amend Chapter 30, §30-15(u) and TABLE 1 regarding Floor Area Ratio (FAR) to institute a new method of calculating maximum FAR for single and two family structures in residential districts based on a sliding scale tied to lot size and zoning district; to amend § 30-1 definitions of “gross floor area” and “floor area ratio” to include additional building features, accessory structures, and mass below first story; to amend § 30-1 to add definitions of “carport”, “porch,” “enclosed porch”, and “mass below first story”; to delete the reference to §30-15 Table 1 contained in §30-21(c) and replace it with a reference to §30-15(u); to determine a date, between six (6) and twelve (12) months from date of passage, that the above amendments will become effective; and to extend the expiration dates of §30-15(u) paragraphs 1, 2, and 3 so they remain in effect until such date that the above amendments become effective.

Specific Proposed Changes

The following proposed amendments (1 through 5 below) would take effect on **a-October 15, 2011**~~future date (hereinafter “effective date”)~~ **to be determined by the Board of Aldermen:**

Add the following definitions to Sec. 30-1:

Carport: A one-story roofed structure permanently open on at least three sides and designed for or used for occupancy by a motor vehicle. For the purposes of this ordinance, a one-story port-cochere meets the definition of a carport.

Mass below first story: For the purposes of calculating gross floor area, any cellar, crawl space, basement, or other enclosed area lying directly below a first story in a residential structure.

Porch: A roofed- structure with sides not more than sixty percent (60%) enclosed by impermeable walls, attached to and accessible from the primary structure, and not heated or air conditioned.~~projection that extends from the façade of a residential structure and that is neither heated nor air conditioned.~~ A porch may share no more than two exterior walls with the residential structure. Railings or solid walls on the projecting facades of the porch may be no higher than 36” as measured from the finished porch floor; the

remainder of these facades may be open to the elements or enclosed by mesh, glass, or similar material.

Porch, enclosed: A porch enclosed for any portion of the year by any nonpermeable material such as glass or a similar material.

Porch, unenclosed: A porch that at all times is either enclosed by permeable materials such as mesh or similar material or is unenclosed by any material.

2. Amend the following definitions in Sec. 30-1:

Floor area ratio:

- (a) For residential structures in residential districts, gross floor area of all buildings on the lot divided by total lot area.
- (b) For all others: Gross floor area of all buildings on the lot divided by total lot area. Any portion of a basement not used for storage, parking or building mechanicals shall be included in determining floor area ratio.

Floor area, gross:

- ~~(a) For residential structures in residential districts, the sum of the floor area within the perimeter of the outside walls of the building without deduction for garage space, hallways, stairs, closets, thickness of walls, columns, atria, open wells and other vertical open spaces, or other features exclusive of any portion of a basement as defined in this section. For atria, open wells and other vertical open spaces, floor area shall be calculated by multiplying the floor level area of such space by a factor equal to the average height in feet divided by ten (10). Excluded from the calculation are bays or bay windows which are cantilevered and do not have foundations and which occupy no more than ten (10) per cent of the wall area on which they are mounted and any space in an attic or half story above the second story as defined in this ordinance.~~
- (a) For residential structures and buildings accessory to residential structures in residential districts, the sum of the floor area of all principal and accessory buildings whether or not habitable, except as excluded below. Floor area measurements shall be taken from the exterior face of the exterior walls within the perimeter of the outside walls of each building without deduction for garage space, hallways, stairs, closets, thickness of walls, columns, atria, open wells and other vertical open spaces, or other features as defined in this section.
 - a. Gross floor area shall include:
 - i. First and second stories;
 - ii. Any floor area space above the second story, whether finished or unfinished, that meets all of the following criteria:

1. It Lies below within the area of a horizontal plane that is five (5) feet above the floor and which touches the side walls and/or the underside of the roof rafters;
 2. Is at least seven (7) feet in any horizontal dimension, as measured within the area having a wall height of five feet or more;
 3. Has a minimum ceiling height of seven (7) feet on at least 50 percent of its required floor area; and
 4. Has a floor area of not less than 70 square feet as measured within the area having a wall height of five feet or more.
- iii. Atria, open wells, and other vertical open spaces, where floor area shall be calculated by multiplying the floor level area of such space by a factor equal to the average height in feet divided by ten (10);
 - iv. Enclosed porches;
 - v. Attached garages;
 - vi. Detached garages and any space above the first story of a detached garage that has a ceiling height of 7' or greater;
 - vii. Other detached accessory buildings, such as sheds or cabanas, except as exempted in (b)(iii) below.
 - viii. A portion of mass below the first story, to be calculated as follows:

The lesser of 50% of the floor area of mass below first story OR the following: X/Y * floor area of mass below first story

Where:

X = Sum of the width of those sections of exposed walls below the first story having an exterior height equal to or greater than four (4) feet as measured from existing or proposed grade, whichever is lower, to the top of the subfloor of the first story

Y = Perimeter of exterior walls below first story

b. Gross floor area shall not include:

- i. Unenclosed porches;
- ii. Carports; and
- iii. One detached accessory building equal to or less than 120 square feet in size.

(b) For all others: The floor area within the perimeter of the outside walls of the building without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

3. Amend the provisions of 30-15(u) by replacing 30-15(u) in its entirety with the following:

- (u) The floor area ratio (FAR) shall apply to all one and two family structures, whether new or existing, according to the FAR limits contained in Table A below. The following exceptions shall apply:

1. For construction on lots created before 12/7/1953, an additional increase in FAR of .02 above the amount shown in Table A shall be allowed, provided that new construction proposed using additional FAR granted under this paragraph shall comply with setback requirements for post-1953 lots. Any increase in FAR granted through this section may not create or increase nonconformities with respect to lot coverage or open space and may not be used in conjunction with section 30-21(c).

2. An increased FAR may be allowed by special permit if the proposed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood.

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TABLE A: ALTERNATIVE FAR FOR SINGLE AND TWO FAMILY STRUCTURES IN RESIDENTIAL DISTRICTS

Lot Size Category	SR1	SR2	SR3
Less than or equal to 4,999 square feet	Maximum FAR=.46	Maximum FAR=.46	Maximum FAR=.48
5,000 to 6,999 square feet	Maximum FAR ranges from .46 to .43 depending on lot size. Maximum FAR=.46 – [.000015* (lot size-5000)]	Maximum FAR ranges from .46 to .43 depending on lot size. Maximum FAR=.46 – [.000015* (lot size-5000)]	Maximum FAR=.48
7,000 to 9,999 square feet	Maximum FAR ranges from .43 to .33 depending on lot size. Maximum FAR = .43 – [.000033* (lot size-7000)]	Maximum FAR ranges from .43 to .38 depending on lot size. Maximum FAR = .43 – [.000017* (lot size-7000)]	Maximum FAR ranges from .48 to .41 depending on lot size. Maximum FAR = .48 – [.000023* (lot size-7000)]
10,000 to 14,999 square feet	Maximum FAR ranges from .33 to .31 depending on lot size. Maximum FAR = .33 – [.000004* (lot size-10000)]	Maximum FAR ranges from .38 to .33 depending on lot size. Maximum FAR = .38 – [.000010* (lot size-10000)]	Maximum FAR ranges from .41 to .38 depending on lot size. Maximum FAR = .41 – [.000006* (lot size-10000)]
15,000 to 19,999 square feet	Maximum FAR ranges from .31 to .28 depending on lot size. Maximum FAR =	Maximum FAR = .33	Maximum FAR = .38

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	.31 – [.000006* (lot size-15000)]		
20,000 to 24,999 square feet	Maximum FAR ranges from .28 to .26 depending on lot size. Maximum FAR = .28 – [.000004* (lot size-20000)]	Maximum FAR = .33	Maximum FAR ranges from .38 to .36 depending on lot size. Maximum FAR = .38 – [.000004* (lot size-20000)]
25,000 square feet or more	Maximum FAR = .26	Maximum FAR = .33	Maximum FAR = .36

Lot Size Category	MR1	MR2/MR3
Less than or equal to 4,999 square feet	Maximum FAR = .58	Maximum FAR = .58
5,000 to 6,999 square feet	Maximum FAR ranges from .58 to .53 depending on lot size. Maximum FAR= .58 – [.000025* (lot size-5000)]	Maximum FAR ranges from .58 to .53 depending on lot size. Maximum FAR= .58 – [.000025* (lot size-5000)]
7,000 to 9,999 square feet	Maximum FAR ranges from .53 to .48 depending on lot size. Maximum FAR = .53 – [.000017* (lot size-7000)]	Maximum FAR = .53
10,000 to 14,999 square feet	Maximum FAR = .48	Maximum FAR ranges from .53 to .43 depending on lot size. Maximum FAR = .53 – [.000020* (lot size-10000)]
15,000 to 19,999 square feet	Maximum FAR ranges from .48 to .43 depending on lot size. Maximum FAR = .48 – [.000010* (lot size-15000)]	Maximum FAR ranges from .43 to .38 depending on lot size. Maximum FAR = .43 – [.000010* (lot size-15000)]
20,000 to 24,999 square feet	Maximum FAR ranges from .43 to .38 depending on lot size. Maximum FAR = .43 – [.000010* (lot size-20000)]	Maximum FAR = .38

	(lot size-20000)]	
25,000 square feet or more	Maximum FAR = .38	Maximum FAR = .38

4. Amend 30-15 Table 1 by removing some FAR limits from Table 1:

Delete, in Sec. 30-15 Table 1, all numbers listed under the TOTAL FLOOR AREA RATIO column for the following zoning districts: Single Residence I; Single Residence 2; Single Residence 3; Multi-Residence 1; Multi-Residence 2; Multi-Residence 3, excepting the number for the category of Residential Care Facility; and Multi-Residence 4, excepting the number for the category of Residential Care Facility. Add a cross reference to Sec. 30-15(u) Table A for determining FAR for single and two-family dwellings in these districts.

5. Amend 30-21(c) clause (5) by changing the reference to “section 30-15 table 1” to “section 30-15(u) Table A”:

, (5) the de minimis relief provided in this section shall not apply to buildings in which the nonconformity is due solely to FAR requirements set out in [section 30-15 Table 1](#) [section 30-15\(u\) Table A](#), nor shall it be used to increase the FAR beyond that shown in Table [A](#).

The following proposed amendment (6) would take effect upon passage:

6. Effective upon passage, amend the current provisions of Sec. 30-15(u) to extend the expiration dates in paragraphs 1, 2, and 3 until October 15, 2011~~the “effective date” of the above listed proposed amendments.~~

- (u) The floor area ratio (FAR) contained in section 30-15 Table 1 shall apply to all one and two family structures, whether new or existing, with the following exceptions:
 - 1. For renovation of or addition to existing one and two family structures, a cumulative increase in FAR of up to .05 above the amount shown in Table 1 shall be allowed, whether such structures are conforming or lawfully nonconforming as to FAR, provided that the certificate of occupancy for the original construction of the existing structure was granted at least ten (10) years prior to the date of application for additional FAR pursuant to this paragraph or, where no such certificate is available, provided that there is other evidence of lawful occupancy of the existing structure for at least ten (10) years prior to the date of application. Any increase in FAR granted through this section may not create or increase nonconformities with respect to lot coverage, open space, or setback requirements and may not be used in

conjunction with section 30-21©. The provisions of this paragraph shall expire on ~~February 28, 2011~~ Effective Date October 15, 2011.

2. For renovation of or addition to existing one-and two-family structures on pre-1953 lots meeting all of the criteria of section 30-15(u)(1), an additional increase in FAR of up to .02 above the amount shown in Table 1 and the amount available in section 30-15(u)(1) shall be allowed, provided that any renovations or additions proposed using additional FAR granted under this paragraph or section 30-15(u)(1) shall comply with post-1953 setback requirements, or, if the footprint of the existing structure extends beyond the post-1953 setback requirements, shall extend no closer to the lot line than the present structure. The provisions of this paragraph shall expire on October 15, 2011 ~~February 28, 2011~~ Effective Date.
1. For construction of new one- and two-family structures, an additional FAR of .05 above the amount shown in Table 1 shall be allowed for initial construction on pre-1953 lots when post-1953 lot setback on lot coverage requirements and pre-1953 open space requirements are met. This provision may not be used concurrently with section 30-15(u)1 or 2, nor shall it apply to additions to any structure. The provisions of this paragraph shall expire on October 15, 2011 ~~February 28, 2011~~ Effective Date.
2. An increased FAR may be allowed by special permit if the proposed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood.